

FILED
Clerk
District Court

1 MICHAEL W. DOTTS, Esq.
2 O'Connor Berman Dotts & Banes
3 Second Floor, Nauru Building
4 P.O. Box 501969
5 Saipan, MP96950
6 Telephone No. (670) 234-5684
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AUG 18 2005
For The Northern Mariana Islands
By _____
(Deputy Clerk)

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Attorneys for Defendant

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN MARIANA ISLANDS

EQUAL EMPLOYMENT OPPORTUNITY) CIVIL ACTION NO. 04-0028
COMMISSION,)
Plaintiff,)
vs.) DECLARATION OF MICHAEL W.
MICRO PACIFIC DEVELOPMENT, INC.) DOTS IN SUPPORT OF
d/b/a SAIPAN GRAND HOTEL,) OPPOSITION TO MOTION TO
Defendant.) AMEND
Date: September 1, 2005
Time: 8:30 a.m.

I, MICHAEL W. DOTTS, declare and state under penalty of perjury, as follows:

1. I am a partner with O'Connor Berman Dotts & Banes and I am the attorney in
my office responsible for this case. I make this declaration upon personal knowledge.

2. On March 18, 2003, Julieta Torres filed a charge with the EEOC against her
employer Micro Pacific, Inc.

3. On March 27, 2003, pursuant to Title VII of the Civil Rights Act, the EEOC
began an investigation of the charge filed on March 18, 2003. I represented Micro Pacific with

ORIGINAL

1 regard to this investigation. Attached as Exhibit "A" is a true and correct copy of the letter sent
2 to my client that initiated the investigation.

3

4 4. On about July 16, 2003, Akira Ishikawa lost his employment with Micro Pacific
5 prior to the expiration of his employment contract. He was repatriated back to Japan. Attached
6 as Exhibit "B" is a true and correct copy of the CNMI Verification of Departure (Exit
7 Clearance) for Akira Ishikawa.

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10 5. In depositions of the real parties in interest, I asked if anyone other than Akira
11 Ishikawa sexually harassed them. The three real parties have all responded that only Mr.
12 Ishikawa engaged in sexual harassment of them.

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15 6. The investigation by the EEOC included document requests, taking statements
16 from management personnel and even visiting the hotel property. Attached as Exhibit "C" is a
17 true and correct copy of a letter from the EEOC that evidences the investigation it conducted.

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20 7. On April 13, 2004, the EEOC entered a Determination in its investigation. On
21 August 9, 2004, the investigation and the conciliation process started by the EEOC in March,
22 2003, ended. Attached hereto as Exhibit "D" is a true and correct copy of the letter from the
23 EEOC notifying Micro Pacific of the end of the process and referral to the Regional Attorney.

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26 8. Throughout the period of time that the EEOC investigated this matter, it was no
27 secret that Micro Pacific is wholly owned by a Japanese corporation. As a matter of fact, the
28 ownership of the corporation was disclosed annually through the filing of a corporate Annual

1 Report with the CNMI government. Wilfred Tungol, in his declaration submitted in support of
2 the Plaintiff's Motion to Amend on August 1, 2005, attached a copy of one such Annual Report.
3
4

5 I declare upon penalty of perjury that the foregoing is true and correct to the best of my
6 knowledge and belief, and that if called upon to testify, I could and would testify competently
7 and in accordance herewith.

8
9 Executed this 18 day of August, 2005 on the island of Saipan, Commonwealth of the
10 Northern Mariana Islands.

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MICHAEL W. DOTTTS

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Equal Employment Opportunity Commission

300 Ala Moana Blvd.
Room 7-127, Box 50082
Honolulu, Hawaii 96850

Charging Party: Torres, Julieta B
Charge No.: 378A300197

March 27, 2003

Mr. Jesus Aldan
Personnel Manager
Saipan Grand Hotel
P.O. Box 500369 C K
Saipan, MP 96950

Dear Mr. Aldan:

Your organization is hereby requested to submit information and records relevant to the subject charge of discrimination. The Commission is required by law to investigate charges filed with it, and the enclosed request for information does not necessarily represent the entire body of evidence which we need to obtain from your organization in order that a proper determination as to the merits of the charge can be made. Please submit a response to the requested information by the deadline cited below.

You may be assured that any information or explanation supplied by your organization will not be made public.

Sincerely,

Glory Gervacio
Investigator

Response Deadline Date: 032403

Exhibit "A"

EEOC 075



COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS
 DEPARTMENT OF LABOR, IMMIGRATION, AND EMPLOYMENT SERVICES
Division of Immigration Services



P.O. Box 10007, Saipan, MP 96950
 Tel. Nos. (670) 664-2000 • 664-3111/3112
 Fax No.: (670) 664-3153

SECRETARY OF LABOR,
 IMMIGRATION, AND
 EMPLOYMENT SERVICES

DIRECTOR,
 DIVISION OF IMMIGRATION SERVICE

Verification of Departure
 (Exit Clearance)

FILE

TO : **SAIPAN GRAND HOTEL**

REF : **ISHIKAWA, AKIRA** (PERSON TO VERIFY) **7/16/03** DEPARTURE DATE **CO-979** FLIGHT NO.

Per your request dated **7/16/03** regarding the departure of the above referenced person, the following are the results of such verification.

1) **ISHIKAWA, AKIRA** (NAME OF PERSON TO VERIFY) Did depart the CNMI on **7/16/03** (DATE)

VIA **CONTINENTAL AIRLINES** (CARRIER) flight no. **979** to **JAPAN** (COUNTRY)

2) _____ (NAME OF PERSON TO VERIFY) Did not depart the CNMI on _____ (DATE)

VIA _____ (CARRIER) flight no. _____ to _____ (COUNTRY)

3) Information is not available _____ (check mark)

4) Name on manifest is listed as _____

REMARKS: **VERIFIED THRU BMS.**

This information have been released for the purpose of; 1) Labor Compliance _____
 2) Immigration Compliance _____, 3) Office file _____

All of the information above have been verified according to our official outbound manifest provided by all carriers.

INSP. HOWARD SABLAM
 VERIFIED BY

LT. MELINDA NAPIUTI
 APPROVED BY

7/16/03
 DATE

Exhibit "B"

NOTE: (Xerox copies are invalid for government purposes)

EEOC 032



**U.S. EQUAL OPPORTUNITY COMMISSION
Honolulu Local Office**

300 Ala Moana Boulevard, Room 7-127
Honolulu, HI 96850-0051
(808) 541-3120
TTY (808) 541-3131
FAX (808) 541-3390

July 17, 2003

VIA FACSIMILE NO. (670) 234-5683

ORIGINAL BY MAIL

Michael W. Dotts, Esq.
Law Offices of O'Conner Berman Dotts & Banes
Second Floor, Nauru Building
P.O. Box 501969
Saipan, MP 96950-1969

RE: Julieta B. Torres v. Saipan Grand Hotel
EEOC Charge No. 378-A3-00197

Dear Mr. Dotts:

I will be working on-island in Saipan from Tuesday, August 5, 2003 through Wednesday, August 13, 2003.

In order for us to continue with our investigation, I would like to conduct an on-site visit at Respondent's location on **Monday, August 11, 2003 at 9:30 a.m.**

During the on-site visit, I would like to interview Jesus T. Aldan, Personnel Manager, and Masahiko Tsuchimoto, Assistant General Manager.

Please advise me or contact me at (808) 541-3125 if the above date and time are agreeable to you.

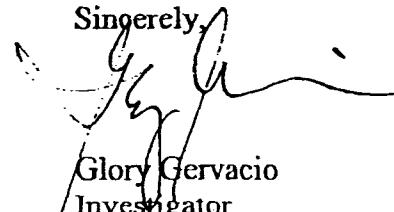
Sincerely,

Glory Gervacio
Investigator

Exhibit "C"

EEOC 0137



U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Honolulu Local Office

300 Ala Moana Boulevard, Room 7-127
Honolulu, HI 96850-0051
(808) 541-3120
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Michael W. Dotts, Esq.
O'Connor Berman Dotts & Banes
Second Floor, Nauru Building
P.O. Box 501969
Saipan, MP 96950

RE: Julieta Torres v. Saipan Grand Hotel
EEOC Charge No. 378-2003-00197

Dear Mr. Dotts:

The Commission has determined that efforts to conciliate the above-mentioned charge, as required by Title VII of the Civil Rights Act of 1964 (Title VII), as amended, have been unsuccessful. This letter constitutes the required notice by §1601.25 of the Commission's Regulations, which provides that the Commission shall notify the parties in writing when it determines that further conciliation efforts would be futile or non-productive.

No further efforts to conciliate these cases will be made. Accordingly, we are at this time forwarding the cases to the Regional Attorney in the San Francisco District Office for review and consideration of litigation.

On Behalf of the Commission:

August 9, 2004
Date

Michael Baldonado
Michael Baldonado
Deputy District Director